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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION OF: Michael L. PALMER ART UNIT: 2143
SERIAL NO.: 10/006,236 EXAMINER: David E. England
CONFIRMATION NO.: 9952
FILING DATE: December 10, 2001
FOR: NEWS AND OTHER INFORMATION DELIVERY SYSTEM AND
METHOD

AMENDED APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

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SIR:

In support of Appellant's appeal of the Examiner's final rejections, dated November 23, 2007 and in response to the Notification of Non-Compliant Appeal Brief, dated June 25, 2008, submitted herewith is Appellant's Amended Brief on Appeal.

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I. Real Parties in Interest

The real party in interest in this patent application is the assignee of the present application, The Associated Press, 1100 13th Street, N.W., Suite 700, Washington, D.C. 20005.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

Claims 1-53 have been canceled. Claims 54-82 are pending in this application. Claims 54-65, 67, 69-80 and 82 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,415,307 ("Jones"), and claims 66, 68 and 81 stand rejected under 35 U.S.C. § 103 over Jones and U.S. Patent No. 6,463,461 ("Hanson"). The rejected claims, all of which are the subject of this appeal, are set forth in Appendix A.

IV. Status of Amendments

No amendment was filed subsequent to the final rejection of claims 54-82.

V. Summary of Claimed Subject Matter

The application includes claims directed toward a method and an apparatus for dynamically updating a content list at an end user location (e.g., a newsroom computer system 312 and workstations 342 as shown in Fig. 3A of the application). The inventor of the application, Michael Palmer, is an employee of the owner of the application, The Associated Press. Due to bandwidth constraints, Mr. Palmer was faced with the problem of reducing the amount of time necessary to transmit a content list, which is a term used by news organizations to refer to a collection of news stories. Each of these news stories may include text and various

media objects such as audio and video clips and graphics. The media objects may be already in existence (e.g., file footage) or may be placeholders for objects that will be obtained at a later time. In addition to the stories, the content list also typically includes a sequence in which the stories are to be 'played.' A content list can, in some embodiments, be used to represent an ordered newscast.

It should be understood that the stories in the content list can, and typically do, undergo revisions throughout the day. The revisions can include new text, modifications to the text, and new media objects. The revisions can also include the addition of new stories to the content list as well as revisions to the order of stories in the content list.

Throughout the day, the content lists are transmitted from a feed station to a field station as various parts of the content list change and/or new stories are added to the content list. In systems known prior to the present application, these transmissions involved the re-transmission of the entire content list regardless of whether any particular story and/or media object included in the story had also been modified. Thus, even if a story or a part of a story (e.g., a media item associated with the story) did not change throughout the day, it was re-transmitted in its entirety each time the content list was re-transmitted. In an extreme example, if the only change to a content list was a change in the order of the stories in the list, the entire content list would be retransmitted to effect this change.

In order to reduce the bandwidth used by the re-transmissions of the content list discussed above, Mr. Palmer conceived the inventions of claims 54 and 69. In particular, Mr. Palmer conceived of the idea of transmitting (after an initial content list has been sent from the feed station to the field station and then on to the end users) revisions to the content list, rather than the entire revised content list, from the feed station to the field station, implementing the revision

at the field station, and then transmitting only the revision to the end user locations so that the content list can be revised at those end user locations. This reduced the required bandwidth, which lowered the transmission cost associated with the content lists.

Claim 54 is directed toward a method for “dynamically updating a content list at an end user location.” The content list “comprises a plurality of stories and an ordered list of the stories, wherein each story comprises at least one text element, metadata, and zero or more references to a media object.” (Page 9, lines 20-23; Fig. 5). Claim 54 recites the steps of:

receiving a content list from a feed station at a field station (page 44, line 18 – page 45, line 22; page 70, line 13; page 72, line 8 – page 76, line 10 (new content list));

transmitting a copy of the content list from the field station to an end user station (page 76, line 11 – page 78, line 14);

receiving a message from the feed station at the field station, the message comprising at least one revision to the content list (page 10, lines 17-27; page 11, lines 5-15; page 72, line 8 – page 73, line 2 (revised/updated content list));

implementing the revision to the content list at the field station (page 10, lines 24-27; page 11, lines 15-19; page 62, line 21 – page 63, line 23; page 76, line 11 – page 77, line 9; Fig. 12); and

transmitting the revision to the end user station for revision of the content list at the end user station (page 72, line 8 – page 75, line 19; Figs. 9B and 10; note that page 76, line 11 – page 78, line 14 discusses receipt of files and revision of content list by end user station in the form of newsroom computer system 312 and workstations 342).

Claim 69 is directed toward a “system for the distribution of content lists, the system comprising:”

“a feed station, the feed station comprising a user interface for creating and revising a content list and a transmitter for transmitting the content list and a message including a revision to the content list to a field station (page 41, line 20 – page 43, line 9), the content list comprising a plurality of stories and an ordered list of the stories, each story comprising at least one text element, metadata, and zero or more references to a media object (page 9, lines 20-23; Fig. 5);

a field station comprising a receiver for receiving the content list and the message from the feed station, and a transmitter for transmitting the content list and the message to an end user station; and (page 76, line 11 – page 78, line 4; Fig. 12);

a plurality of end user stations, each of the end user stations being configured to receive at least one content list from the field station and display the stories to an end user in accordance with the ordered list (page 59, line 15 – page 60, line 2; Fig. 4).

VI. Grounds of Rejection to be Reviewed on Appeal

A. The rejection of claims 54-65, 67, 69-80, and 82 under 35 U.S.C. § 102(e) as being anticipated by Jones (U.S. Patent No. 6,415,307) is to be reviewed on this appeal.

B. The rejection of claims 66, 68 and 81 as being obvious under 35 U.S.C. § 103 over Jones (U.S. Patent No. 6,415,307) and Hanson (U.S. Patent No. 6,463,461).

VII. Argument

A. The rejection of claims 54-65, 67, 69-80, and 82 under 35 U.S.C. § 102(e)

Applicant respectfully submits that Jones does not disclose or suggest the steps of “implementing the revision to the content list at the field station” and “transmitting the revision to the end user station for revision of the content list at the end user station” as recited in independent claim 54. Applicant respectfully submits that Jones also does not disclose “a feed station, the feed station comprising a user interface for . . . revising a content list and a transmitter for transmitting . . . a message including a revision to the content list to a field station” as recited in independent claim 69. These limitations in claims 54 and 69 are directed toward the concept of transmitting revisions to content lists, rather than re-transmitting the entire content list, as the content list changes.

In contrast to the method and system recited in claims 54 and 69, Jones discloses a system in which an entire content list (rather than just revisions to the content list) is transmitted several times throughout the day. Jones’s system involves the publication of a type of electronic newspaper as shown in Figs. 2-7. As shown in Fig. 2, Jones discloses at column 2, lines 43-52, that a list of content of the pages of the publication can be displayed. The list of content for each page is displayed such that the passages of text (articles or stories) are listed in the order of importance, which can be attached to them by the way in which they are formatted on the page of the publication by the editors. Jones also discloses that new editions of the electronic newspaper can be transmitted throughout the day. When a new edition is available, it appears that Jones teaches regenerating the list of content associated with each new edition and *retransmitting the entire publication* rather than transmitting a revision to the content list. For example, column 2, line 61 through column 3, line 5 of Jones discloses rapidly obtaining electronic data for *each publication* from the publisher.

Updating the publication in response to a new edition suggests that an entire new edition, rather than just revisions to the previous edition, is received. This understanding is reinforced by the passage at col. 5, lines 26-61 of Jones. This passage discusses the series of steps that are performed to group the various text and images on the pages of a publication into stories. This passage states that this grouping function is performed for each edition of a newspaper that is published in a single day: “in the case of a newspaper for which there are several publications in a day, this process must be carried out [sic, for] *each publication* as quickly as possible in order that the information can be made available to users without delay.” Col. 5, lines 41-45 (emphasis added). In other words, each time a new edition of the publication is received, each of the pages is examined to determine what text and pictures belong to which story. The grouped information is then transmitted over a communication link 20a/20b to one or more users as discussed at col. 5, lines 46-49. This re-transmission of an entire publication is exactly what the method of claim 54 and the system of claim 69 avoids by transmitting *revisions* to a content list rather than re-transmitting the content list.

The final office action does not contest applicant’s characterization of Jones. Rather, the final office action posits a scenario in which a user of the applicant’s invention wishes to view “all new data.” Under this scenario, “that would mean that the entire list must be revised and therefore the entire content list is re-transmitted to the user.” The office action asserts that this is “a match” to Jones and therefore Jones anticipates claim 24. Final office action, pp. 7-8.

Applicant respectfully disagrees. The final office action is improperly conflating “revision” with “replacement.” Simply put, sending all new data to a user is replacing a content list, not revising it. The transmission of a content list with completely new material as set forth in the scenario of the final office action is no more a revision than is the substitution of a literary work such as “War and Peace” with an entirely different work such as “Catcher in the Rye.” “Revise” is

defined as “to prepare a newly edited version (of a text).” The American Heritage Dictionary (4th ed. 2000). However, a content list with all new data is not a “newly edited version” of a prior content list because there is nothing in common between the two. Moreover, with respect to the examiner’s hypothetical regarding the user wanting to see all new data, there is nothing in Jones that indicates that the end user has any control over what gets transmitted from the publisher to the end users over link 20a/20b in Figure 1 of Jones (as distinct from what the user chooses to view on his screen); rather, it appears that the new editions get transmitted without regard to any action or indication by the user. Simply put, there is no disclosure of any kind in Jones of a message including revisions to a content list. Accordingly, all anticipation rejections based on Jones should be reversed.

B. The rejection of claims 66, 68 and 81 under 35 U.S.C. § 103

Claims 66, 68 and 81 were rejected over the combination of Jones and Hanson. Claim 66 recites “wherein the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station.” Claims 68 and 81 include identical limitations. The final office action recognizes at page 6 that Jones does not disclose these limitations and relies on Hanson. However, Hanson does not cure any of the deficiencies of Jones discussed above in connection with the anticipation rejection of independent claims 54 and 69. Accordingly, claims 66, 68 and 81 are not obvious over the combination of Jones and Hanson and the rejections of these claims should be reversed.

VIII. CONCLUSION

For the reasons discussed above, reversal of the final rejection of claims 54-82 is respectfully requested.

Respectfully submitted,

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APPENDIX A

54. A method for dynamically updating a content list at an end user location, said method comprising the steps of:

receiving a content list from a feed station at a field station;
transmitting a copy of the content list from the field station to an end user station;
receiving a message from the feed station at the field station, the message comprising at least one revision to the content list;
implementing the revision to the content list at the field station; and
transmitting the revision to the end user station for revision of the content list at the end user station;

wherein the content list comprises a plurality of stories, and an ordered list of the stories wherein each story comprises at least one text element, metadata, and zero or more references to a media object; and

wherein the ordered list of stories determines a sequence in which the stories will be displayed to the user at the end user station.

55. The method of claim 54, wherein the revision comprises a change in an order of the stories in the content list.

56. The method of claim 54, wherein the revision comprises an addition of a new story to the content list.

57. The method of claim 54, wherein the revision comprises a deletion of a story on the content list.

58. The method of claim 54, wherein the revision comprises the addition of a text element or a media object to a story in the content list.

59. The method of claim 54, wherein the revision comprises the deletion of a text element or a media object to a story in the content list.

60. The method of claim 54, wherein the revision comprises a modification of a text element or a media object associated with a story in the content list.

61. The method of claim 54, wherein the content list comprises a reference to media objects and further comprising the steps of resolving the reference to the media object by obtaining the media object from a media and object server, wherein the media object includes one or more versions of associated media objects.

62. The method of claim 54, wherein the metadata comprises at least one of text, XML markup, and binary information.

63. The method of claim 54, wherein the message is received after the content list is transmitted to the end user station.

64. The method of claim 54, wherein a plurality of messages are received at the field station and transmitted to the end user station, each of the messages including a revision to the same content list.

65. The method of claim 54, further comprising the steps of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station.

66. The method of claim 65, wherein the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station.

67. The method of claim 54, further comprising the step of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station.

68. The method of claim 67, wherein the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station.

69. A system for the distribution of content lists, the system comprising:
a feed station, the feed station comprising a user interface for creating and revising a content list and a transmitter for transmitting the content list and a message including a revision to the content list to a field station, the content list comprising a plurality of stories and an ordered list of the stories, each story comprising at least one text element, metadata, and zero or more references to a media object;

a field station comprising a receiver for receiving the content list and the message from the feed station, and a transmitter for transmitting the content list and the message to an end user station;
and

a plurality of end user stations, each of the end user stations being configured to receive at least one content list from the field station and display the stories to an end user in accordance with the ordered list.

70. The system of claim 69, wherein the revision comprises a change in an order of the stories in the content list.

71. The system of claim 69, wherein the revision comprises an addition of a new story to the content list.

72. The system of claim 69, wherein the revision comprises a deletion of a story on the content list.

73. The system of claim 69, wherein the revision comprises the addition of a text element or a media object to a story in the content list.

74. The system of claim 69, wherein the revision comprises the deletion of a text element or a media object to a story in the content list.

75. The system of claim 69, wherein the revision comprises a modification of a text element or a media object associated with a story in the content list.

76. The system of claim 69, wherein the content list comprises a reference to media objects and further comprising the steps of resolving the reference to the media object by obtaining the media object from a media and object server, wherein the media object includes one or more versions of associated media objects.

77. The system of claim 69, wherein the metadata comprises at least one of text, XML markup, and binary information.

78. The system of claim 69, wherein the message is received after the content list is transmitted to the end user station.

79. The system of claim 69, wherein a plurality of messages are received at the field station and transmitted to the end user station, each of the messages including a revision to the same content list.

80. The system of claim 69, wherein the field station is configured to select stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station.

81. The system of claim 80, wherein the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station.

82. The system of claim 69, wherein the field station stores a copy of the content list received from the feed station and revises the copy of the content list stored at the field station in accordance with the revision in the message from the feed station.

Evidence Appendix

None.

Related Proceedings Appendix

None.